

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM HARRIS,

Petitioner,

-against-

C S. WALKER, Warden at R.N.D.C. C-74,

Respondent.

22-CV-6563 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 26, 2022, the Court notified Petitioner that his application, which challenged the constitutionality of his pretrial detention, would be recharacterized as a petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. The Court directed Petitioner that, if he did not want to proceed under Section 2241, he should inform the Court within 30 days that he wishes to withdraw the petition. The Court further directed Petitioner, that if he did not withdraw the petition, within 60 days, he must file an amended Section 2241 petition showing that he had fully exhausted his state court remedies. That order specified that failure to comply would result in the denial of the petition.

Petitioner has not filed an amended petition or indicated that he wishes to withdraw the petition. Accordingly, this Section 2241 *habeas* petition is denied without prejudice for Petitioner's failure to fully exhaust his state court remedies.

**CONCLUSION**

The petition is denied without prejudice for Petitioner's failure to exhaust his state court remedies. All other pending matters in this case are terminated.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Judgment shall enter.

The Clerk of Court is directed to enter judgment in this case.

Dated: January 20, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge